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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Bernhard RAAF
Application No. 09/699,835
Filed: October 30, 2000
For: **DATA TRANSMISSION WITH
INTERRUPTION PHASES**

DECISION
ON PETITION

This is a response to the Request for Reconsideration of Petition Under 37 C.F.R. § 1.8(b), filed June 7, 2004.

This application became abandoned for failure to timely file a response to the non-final Office action mailed April 10, 2002. A Notice of Abandonment was mailed April 22, 2003.

Petitioner alleges to have timely filed a response to the Office action. To support this position, Petitioner has included with the instant petition a copy of a response bearing a proper certificate of transmission having a date of July 10, 2002.


37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition now meets the requirements as set forth above. Accordingly, the holding of abandonment is withdrawn.

The petition is **Granted**.

The application will be forwarded to the Technology Center's technical support staff for entry of the response submitted with the petition. From there, the file will be forwarded to the examiner for consideration in due course.


Kenneth A. Wieder
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Technology Center 2600
Communications